

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

KEITH CHARLES HARRISON,

Petitioner,

vs.

DEWAYNE HENDRIX, Warden, FCI
Sheridan, Oregon,

Respondent.

Cause No. CV 22-40-GF-BMM

ORDER

This case comes before the Court on Petitioner Harrison's application for a writ of habeas corpus under 28 U.S.C. § 2241.

Harrison is currently incarcerated at Sheridan FCI in Oregon. He was convicted in this Court of being a felon in possession of a firearm. *See United States v. Harrison*, No. CR 20-21-GF-BMM (D. Mont. filed Mar. 5, 2020). He is also scheduled to appear in Great Falls, Montana, on June 28, 2022, for a final pretrial conference and jury trial in connection with a civil rights claim. *See Harrison v. Baumann*, No. CV 20-77-GF-BMM (D. Mont. filed Sept. 1, 2020).

But Harrison's habeas corpus petition challenges the legality of his confinement at Sheridan. "[F]or core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement." *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). This Court lacks jurisdiction.

Lack of jurisdiction may be cured if transfer is “in the interest of justice.” 28 U.S.C. § 1631. Transfer is not in the interest of justice. Harrison’s anticipated release date is June 5, 2022. *See* Inmate Locator, <https://www.bop.gov/inmateloc> (accessed May 19, 2022). It is unlikely that the legality of his custody could be fairly and effectively addressed before his petition becomes moot.

If Harrison wishes to proceed anyway, he may simply file a petition in the proper District.

Accordingly, IT IS ORDERED:

1. The petition is DISMISSED for lack of jurisdiction.
2. All pending motions are MOOT.
3. The clerk shall enter, by separate document, a judgment of dismissal for lack of jurisdiction.

DATED this 20th day of May, 2022.



Brian Morris, Chief District Judge
United States District Court